



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,966	02/14/2000	Pierre Chanteau	PHF 99-509	7346

24737 7590 11/06/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,966

Applicant(s)

CHANTEAU ET AL.

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 6-8 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 9-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5 6) ☐ Other: _____

Art Unit: 2684

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed on 2-14-2000 and 6-14-2000 has been received and placed of record in the file.

Allowable Subject Matter

1. Claims 4-5 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

The reference of Hoarty (U.S. Patent No. 5,883,661) teaches the broadcast channel with the Interactive channel (see col. 4, lines 50-64). However the reference of Levan, Hoarty Chanteau and the prior art of record fail to teach or suggest, the characterized in that the signals representing the orders are coded in the form known as I square C (I^2C) and for receiving, modulating and transmitting to the network signals that represent the management data, which are brought thereto in the form of I square C (I^2C) data, as cited in claims 4-5 and 9-10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Levan (U. S. Patent No. 5,956,346).

Regarding claim 12, Levan teaches the unit intended to serve as an interface between a signals distribution network and a user receiver (see fig. 5), comprising means for receiving downstream channel signals and frequency management data from the network and delivering them to the user receiver (see col. 4, lines 17-37), and for transmitting return signals from the user receiver to the network of which return signals the frequency lies below the television frequency band used in the network and frequency management data (see col. 2, lines 48-57).

Regarding claim 13 Levan teaches the frequency translation (see figs. 1 and 2 Up converter 103A-C and Down Converter 112 and 115) unit intended to serve as an interface between a network and an antenna system (see figs. 1-2), including means for receiving return signals whose frequency lies below the television frequency band used in the network (see col. 3, lines 20-24, and col. 3, lines 43-57), for subjecting these return signals to a frequency translation

Art Unit: 2684

that brings them to a second frequency band situated high up in the television frequency band used in the network (see fig. 1, col. 3, lines 20-24 and fig. 3, col. 3, lines 50-65), and for delivering these return signals, after translation (see col. 3, lines 61-65), to the antenna system to be transmitted by this system (see fig. 3, col. 3, lines 61-65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-8 and 11, are rejected under 35 U.S.C. 103(a) as being anticipated by Chanteau (International Pub. No. WO 97/49240) in view of Levan (U. S. Patent No. 5,956,346).

Regarding claims 1 and 6, Chanteau teaches the method of transmitting signals called return signals from a signals distribution network (see fig. 1) comprising an antenna (see fig. 1, antennas 1-3) system that is capable of transmitting return signals to a satellite in a first frequency band based on signals received from the network (see page 1, 1-6), But Chanteau fails to show the second frequency band which lies in the upper part of the television frequency band used in the network and which method signals comprising, inter alia, data for the frequency management of the return signals are received in a channel called downstream channel intended to serve a plurality of user receivers, characterized in that: the return signals are transmitted through the network from a user receiver with a frequency lying below the television frequency

Art Unit: 2684

band used in the network, these return signals are subjected to a frequency translation on the output of the network to the antenna system, so that they are delivered to the antenna system with a frequency lying in the second frequency band, and - the frequency management data received in the downstream channel are used during said frequency translation to select the frequency to be produced in the second frequency band.

However, Levan teaches the second frequency band which lies in the upper part of the television frequency band (see col. 1, lines 30-36) used in the network and which method signals comprising, inter alia, data for the frequency management of the return signals are received in a channel called downstream channel intended to serve a plurality of user receivers (see col. 1, lines 30-39), characterized in that: the return signals are transmitted through the network from a user receiver with a frequency lying below the television frequency band used in the network (see col. 2, lines 42-50) these return signals are subjected to a frequency translation on the output of the network to the antenna system (see col.3, lines 30-42), so that they are delivered to the antenna system with a frequency lying in the second frequency band, and - the frequency management data received in the downstream channel are used during the frequency translation to select the frequency to be produced in the second frequency band (see col. col. 3, lines 15-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Chanteau system and the teaching of Levan on the convert the highest television channel or below so that user can use the television equipment for carry digital data access to Internet without having to decrease TV programming.

Regarding claims 2 and 7, Levan teaches the characterized in that the return signals are

Art Unit: 2684

transmitted through the network in the 20-60 MHz frequency band (see col. 3, lines 50-56).

Regarding claims 3 and 8, Levan teaches the characterized in that the management data of the return frequencies, which are received in the downstream channel, are processed in the user receiver after which orders resulting therefrom are supplied to the network (see col. 4, lines 17-35).

Regarding claim 11, Chanteau teaches The information signal produced by the user apparatus may consist of the fact that a DC control voltage has a value of 14 or 18 volts (see page 5, lines 1-3), so that it is obvious to the complementary unit and the frequency translation unit also provide the remote power supply of the transmitter or inherent of the remote power supply.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoarty (U.S. Patent No. 5,883,661) discloses output switching for load leveling across multiple service areas.

White (U.S. Pub. No. 20030189587) discloses interactive video programming method.

Green (U.S. Patent No. 6,122,482) discloses satellite broadcast receiving and distribution system.

Tawil (U.S. Patent No. 6,519,446) discloses apparatus and method for reusing satellite broadcast spectrum for terrestrially broadcast signals.

Art Unit: 2684

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
October 28, 2003

